

VILLAGE OF MACHESNEY PARK, ILLINOIS
HELD IN THE FRANK G. BAUER MUNICIPAL HALL
Journal of Proceedings ~ Regular Meeting, April 2, 2018

The meeting was called to order at 6:00 PM by Mayor Steve Johnson. Rev. Heath Tibbets from First Baptist Church of Machesney Park gave the Invocation, which was followed by the Pledge of Allegiance led by Trustee Erick Beck.

Present: Mayor Steve Johnson, Trustees Joe Seipts, James Kidd, Aaron Wilson, Terri Bailey and Erick Beck

Absent: Trustee Jake Schmidt

Also

Present: Village Clerk Lori Mitchell
Village Attorney Tom Green
Village Administrator Tim Savage
Community Development Director James Richter II
Finance and Human Resources Manager Michelle Johannsen
Public Works Superintendent Chad Hunter
Public Safety Supervisor, Lt. Pete DalPra

The Journal of Proceedings for the Regular Board Meeting from March 19, 2018 was approved per typewritten copies submitted by the Clerk on a motion by Trustee Wilson and seconded by Trustee Bailey. Motion carried by voice vote.

1. Minutes Approved

Finance and Human Resources Manager Michelle Johannsen reported the treasurer's report as of March 26, 2018, showed a total of all funds as \$10,138,705.96. A copy of the report is available at the back of the room. A motion was made by Trustee Wilson and seconded by Trustee Beck to accept the Treasurer's Report and place it on file for audit. Motion carried by voice vote.

2. Treasurer's Report

Clerk Mitchell extended condolences to Trustee Joe Seipts and his family on the death of his sister Mary Rambow.

3. Communications

Clerk Mitchell introduced Pamela Thompson, Director of RSVP (Retired and Senior Volunteers Program) for Boone and Winnebago Counties who accepted a Proclamation from Mayor Johnson for National Service Recognition Day. The Proclamation was read by Trustee Wilson.

The following individuals addressed the Board prior to the vote on the items indicated:

- *Mike Richter and Chuck Barber regarding Zoning Change for Williams Park*
- *Steve Lucas regarding Zoning Change for Williams Park*
- *Atty. Harlan Powell regarding Class "P" License for MOD Pizza*

Trustee Wilson presented the warrant in the amount of \$464,634.72 and moved for its authorization; seconded by Trustee Seipts. Motion approved. On roll call: 5 ayes (Trustees Seipts, Kidd, Wilson, Bailey and Beck), 0 nays, 1 absent (Trustee Schmidt)

4. Warrant/Approved

ADMINISTRATIVE REPORTS

5. Administrative Reports

Mayor Johnson welcomed two businesses to the Village. MOD Pizza had a grand opening and ribbon cutting on Friday, March 30 that was well attended and KFC rebuilt and reopened on Tuesday, March 27 with a huge turnout. He encouraged residents to visit these new facilities as well as all existing businesses in Machesney Park.

6. Mayor's Report

He also visited Parker Hydraulic Accumulator, 10711 N Second Street last week and was very impressed with this business in the Village.

He met with Andrew Jury from Rockford Local Development Corporation, a private not-for-profit economic development agency that can help small businesses obtain financial help.

Further, he reported that he attended the Parks Chamber Annual Easter Egg Hunt at Harlem High School on the football field. The field turf was invaluable this year because it had rained prior to the event and the turf was dry and there was no mud. Over 150 kids braved the old and had a great time gathering the eggs and meeting with the Easter Bunnies. He thanked all the volunteers who made this event a success.

Attorney Tom Green had no report this evening.

Village Administrator Tim Savage had no report this evening.

Finance and HR Manager Michelle Johannsen had no report this evening.

Community Development Director James Richter II provided photos of the MOD Pizza Grand Opening and reported regarding the KFC reopening. He noted that through the Destination Machesney Program, the Village held a joint promotional project with KFC by drawing for a \$25 gift card for anyone who shared the post online and stated what their favorite food was at KFC. Previously, we had offered this type of program with By the Dozen Bakery and it reached over 50,000 people. This promotion reached over 100,000 individuals in the area, most of them regionally. This program generated some great interest for KFC and created a renewed excitement for businesses along Route 173.

Public Works Superintendent Chad Hunter had no report this evening.

Village Engineer Chris Dopkins left no report this evening.

Harlem High School Student Liaison Tambryn Hecox left no report this evening.

Public Safety Supervisor, Lt. Pete Dal Pra had no report this evening.

COMMITTEE AND TRUSTEE REPORTS

District #1 Trustee Seipts had no report this evening.

District #2 Trustee Schmidt, Public Improvements and Safety Vice-Chairman left no report this evening.

District #3 Trustee Kidd, Public Improvements and Safety Chairman, had no report this evening.

District #4 Trustee Wilson, Administrative and Finance Chairman, reported that the A&F Committee met this evening and recommended approval for one ordinance and three resolutions that will be on the April 16 Board Meeting agenda.

District #5 Trustee Bailey, Planning and Economic Development Vice-Chairperson, had no report this evening.

District #6 Trustee Beck, Planning and Economic Development Chairman, reported that PED Committee met this evening and approved one ordinance that will go to the April 16 Board Meeting with a positive recommendation.

CONSENT AGENDA* - Mayor Johnson noted that the next item is the Consent Agenda. He asked Staff to introduce all items to be considered under the Consent Agenda.

7. Attorney's Report
8. Village Administrator
9. Finance/HR Manager
10. Comm. Dev Dir
11. Pub Works Supt
12. Village Engineer
13. Student Liaison
14. Pub Safety Supervisor
15. Committee Reports
16. District #1 Report
17. District #2 Report
18. District #3 Report
19. District #4 Report
20. District #5 Report
21. District #6 Report
22. Consent Agenda

Administrator Tim Savage presented the items as follows:

- A. Ordinance 06-18, Zoning Map Amendment R1 to AG, 9320 N Second Street, Final Reading
- B. Ordinance 07-18, Adopt the Official Zoning Map for 2018, Final Reading
- C. Ordinance 09-18, Class "C" Liquor License, for MOD Pizza, 1419 West Lane Road and Increase the Number of "C" Licenses in the Village Code, Final Reading
- D. Ordinance 12-18, Amend Chapter 29, Article II, of the Village Code Regarding Williams Park Boat Parking, Final Reading
- E. Ordinance 13-18, Authorize Second Budget Amendment for FY 2017-2018, First Reading
- F. Ordinance 15-18, Adopt Annual Budget FY 2018-2019, First Reading
- G. Ordinance 16-18, Disposal of Property, First Reading
- H. Resolution 09-R-18, Class "P" Liquor License, MOD Pizza, 1419 West Lane Road, Ste D
- I. Resolution 12-R-18, Operating Transfers FY 2017-2018
- J. Resolution 13-R-18, Settle Interfund Transfers FY 2017-2018
- K. Resolution 14-R-18, Authorize Contract for Village Mowing Services
- L. Resolution 15-R-18, Authorize Engineering for Stone's Landing Parking Project and Victory Lane Roadway Improvements
- M. Resolution 16-R-18, Authorize the Village Administrator to Enter Into Short-Term Facility Use Agreements for 8702 N. Second Street

Mayor Johnson asked if there were items a Trustee would like removed from the Consent Agenda to be considered separately. Trustee Kidd asked that Item C, Item D and Item M be removed from the Consent Agenda and considered separately. *Village Administrator Savage asked for clarification and explained that if Trustee Kidd wished to reconsider the Patio License ("P") separately, he should remove Item H instead of Item C.* Trustee Kidd rescinded his request to remove Item C and replaced it by removing Item H from the Consent Agenda. Therefore, Items D, H and M were removed from the Consent Agenda and will be considered under Unfinished Business.

All Items on Consent Agenda as Amended were Approved

The Consent Agenda was accepted as amended.

Mayor Johnson called for a motion to approve all items remaining under the Consent Agenda as amended. The motion was made by Trustee Wilson and seconded by Trustee Beck. The motion was approved by roll call vote: 6 ayes (Trustees Seipts, Kidd, Wilson, Bailey, Beck and Mayor Johnson), 0 nays, 1 absent (Trustee Schmidt)

UNFINISHED BUSINESS

23. Unfinished Business

Mayor Johnson called for a motion to approve Ordinance 12-18, Amend Chapter 29, Article II, of the Village Code Regarding Williams Park Boat Parking, Final Reading. The motion was made by Trustee Wilson and seconded by Trustee Seipts. **Staff Report: Village Administrator Tim Savage explained that this ordinance amends Chapter 29 and would disallow boat parking access from the river to Williams Park. This is in response to complaints the Village has had over the last two years regarding fireworks usage, loud and excessive music, partial nudity, and other things that go along with the title "Pee Island."** A motion was made by Trustee Kidd to table Ordinance 12-18 to the April 16 Board Meeting so he can talk to the people who live on the other side of the river. The motion was seconded by Trustee Beck. The motion was approved by roll call vote: 5 ayes (Trustees Seipts, Kidd, Wilson, Bailey, and Beck), 0 nays, 1 absent (Trustee Schmidt)

24. Ordinance 12-18/
Tabled to 4/16/2018

Mayor Johnson called for a motion to approve Resolution 09-R-18, Class "P" Liquor License, MOD Pizza, 1419 West Land Road, Suite D. The motion was made by Trustee Wilson and seconded by Trustee Seipts. **Staff Report: VA Savage explained this Resolution is complementary to the Ordinance approved under the Consent Agenda. He explained there were**

25. Res 09-R-18/Passed

three conditions that went along with the operation of this patio: 1) that a three-foot railing enclosing the patio must be installed; 2) that customers cannot transport alcoholic beverages to the outdoor patio and the wait staff shall deliver those drinks and serve them to customers seated on the patio and 3) that signage will be installed and displayed in the outdoor area that no alcoholic drinks were allowed past this point or essentially outside the patio area. The rationale for that requirement is that in this particular case, the patio is not directly attached to the premises. In all cases of our liquor licenses throughout the Village, and common in the industry, patrons are not allowed to exit through the main doors of an establishment with open seal and enter into (essentially) an open parking lot which is what this set-up would require. This was established prior to MOD being considered for tenancy there. Further, he noted that what he is hearing the applicant say is that if these conditions remain in place they will discontinue the application for a patio license. That can be accommodated at staff level. If the vote is in favor of the patio license, it can be terminated at staff level without further issue. Discussion: **Trustee Kidd** would like to see MOD Pizza exercise the patio license as they have been successful throughout the state with few incidents of violations. He would like to give them the opportunity to use their model as is and if there is an incident we could revoke the "P" license at that time. **Trustee Beck** noted that he is timid to allowing patrons to carry open liquor out through the front door of a business. He said he would be voting no. **Trustee Seipts** agreed with Trustee Beck as he feels there is always a temptation to carry it into another establishment such as Pot Belly's which does not serve alcohol. He said if people really want to have a beer with their pizza, they can sit inside and enjoy it. **Attorney Green** noted that it is okay for board members to vote yes as this resolution stands now because the Ordinance prohibits exiting the building with alcohol in hand. The MOD Pizza management can opt to not have the patio and withdraw this application if it is passed. The motion was approved by roll call vote: 4 ayes (Trustees Seipts, Wilson, Bailey, and Mayor Johnson), 2 nays (Trustees Beck and Kidd), 1 absent (Trustee Schmidt)

Mayor Johnson called for a motion to approve Resolution 16-R-18, Authorize the Village Administrator to enter into Short-Term Facility Use Agreements for 8702 North Second Street. The motion was made by Trustee Wilson and seconded by Trustee Seipts. Staff Report: **Community Development Director James Richter II explained** that as the Village promotes the space at the JC Penney facility which is 8702 N Second Street, many short-term use requests are encountered, many times smaller portions of the building. An example would be the temporary least to Keith Country Day School for a car show and Oak Street Health to do Health Fairs in a portion of the facility and others. Most times, the requirements of garnering Board Approval would not coincide with the date of the event or the magnitude of the event. Therefore, the administration is requesting the Board to allow the Village Administrator to enter into short-term agreements not to exceed one year which would allow these to be handled at the administrative level. Discussion: Trustee Kidd stated that he would like to see the time of the agreements not exceed one month instead of one year. **Trustee Kidd made a motion** to amend the resolution to make the agreement not to exceed thirty days instead of one year. **The motion died for lack of a second.** The motion as presented was approved by roll call vote: 5 ayes (Trustees Seipts, Wilson, Bailey, Beck and Mayor Johnson), 1 nay (Trustee Kidd), 1 absent (Trustee Schmidt)

NEW BUSINESS

Mayor Johnson called for a motion to approve Ordinance 10-18, Class "C" Liquor License, Happy Wok, 10221 N Second Street and Increase # of "C" Licenses, for First Reading. The motion was made by Trustee Kidd and seconded by Trustee Seipts. **Staff Report: Community Development Director James Richter II explained** the applicant is requesting a liquor license for the consumption of beer and wine on premise only similar to the license of the Happy Wok/Broaster Chicken that recently opened. They have been transparent in that if they receive the "C" License, they will come back and seek the "G" License to enable gaming in their facility. The request did pass at Liquor Commission. However, this same applicant requested the same license last year and it passed at Liquor Commission, but failed at Board Level.

26. Res. 16-R-18/Pass

27. New Business

28. Ord. 10-18/ Happy Wok/ Class "C" LL/1st/ Failed

Discussion: *Mayor Johnson asked if the applicant had given a blueprint or design of what they are expecting to do here. Mr. Richter explained they had requested this but have not received a design to date. The motion was failed at roll call vote: 3 ayes (Trustees Seipts, Kidd, and Bailey), 3 nays (Trustees Wilson, Beck and Mayor Johnson, 1 absent (Trustee Schmidt)*

Mayor Johnson called for a motion to approve Ordinance 18-18, Contract to Purchase 1017 Harlem Road, for First Reading. The motion was made by Trustee Wilson and seconded by Trustee Bailey. **Staff Report:** *Community Development Director James Richter reported Village staff is placing this item back on the agenda to expedite the acquisition of this parcel. The statutory requirements for notifications following the adoptions of the previously approved ordinances put the Village in jeopardy of failing to complete our contractual obligations to close on these properties within a specific period of time. Additionally, we did not have a full board attendance on March 19th and therefore, it is prudent for the Board to revisit this once again to ensure the efficacy of the Village's process for acquiring real estate. He further noted that Atty. Green could explain further the difference in the statutory reference that allows the purchase of the real estate. Atty. Green noted that this would allow for a more efficient way of shortening notices and time limits to allow this to close under the timeframe which the buyer was looking to close. In addition, Dir. Richter noted that due to timing the administration is requesting a double reading for these items this evening. The motion was approved by roll call vote: 6 ayes (Trustees Seipts, Kidd, Wilson, Bailey, Beck and Mayor Johnson), 0 nays, 1 absent (Trustee Schmidt)*

29. Ord. 18-18/1017
Harlem Road/1st/Pass

Trustee Beck moved to waive the rules to bring this ordinance back for final reading this evening. The motion was seconded by Trustee Seipts. **Discussion:** *Trustee Kidd asked what the long-term goal of the use of this property. Dir. Richter explained that the village is hoping to get it demolished and it can be used for a variety of public purposes. If it is determined that there is not a public purpose for the property in the future, it can be sold or transferred. The motion was approved by roll call vote: 5 ayes (Trustees Seipts, Kidd, Wilson, Bailey, and Beck), 0 nays, 1 absent (Trustee Schmidt)*

30. Waive Rules/Passed

Mayor Johnson called for a motion to approve Ordinance 18-18, Contract to Purchase 1017 Harlem Road, for Final Reading. The motion was made by Trustee Seipts and seconded by Trustee Kidd. The motion was approved by roll call vote: 6 ayes (Trustees Seipts, Kidd, Wilson, Bailey, Beck and Mayor Johnson), 0 nays, 1 absent (Trustee Schmidt)

31. Ord 18-18/2nd Rdg/
Pass

Mayor Johnson called for a motion to approve Ordinance 19-18, Approval to Purchase Four Parcels, for First Reading. The motion was made by Trustee Bailey and seconded by Trustee Seipts. **Staff Report:** *Public Works Superintendent Chad Hunter reported the Village had the opportunity to purchase four properties through a county tax sale. Three of the properties are located within the flood plain buy-out area and the other property is a detention area adjacent to a commercial property that the village owns off of Rolling Hills. The total purchase price for the four properties is \$1,623.96 and the money will come from the CIP Fund for the purchase. The motion was approved by roll call vote: 6 ayes (Trustees Seipts, Kidd, Wilson, Bailey, Beck and Mayor Johnson), 0 nays, 1 absent (Trustee Schmidt)*

32. Ord. 19-18/4 Parcels/
1st Reading/Pass

Trustee Beck moved to waive the rules to bring this ordinance back for final reading this evening and seconded by Trustee Seipts. The motion was approved by roll call vote: 6 ayes (Trustees Seipts, Kidd, Wilson, Bailey, Beck, and Mayor Johnson), 0 nays, 1 absent (Trustee Schmidt)

33. Waive Rules/Passed

Mayor Johnson called for a motion to approve Ordinance 19-18, Approval to Purchase Four Parcels, for Final Reading. The motion was made by Trustee Bailey and seconded by Trustee Seipts. The motion was approved by roll call vote: 6 ayes (Trustees Seipts, Kidd, Wilson, Bailey, Beck and Mayor Johnson), 0 nays, 1 absent (Trustee Schmidt)

PUBLIC COMMENT – None

CLOSED SESSION: None

Trustee Wilson moved to adjourn; seconded by Trustee Bailey. Motion approved by voice vote. Meeting adjourned at 6:51 p.m.

APPROVED:

Lori J. Mitchell, MMC
Village Clerk

BOARD MEETING – FIRST AND THIRD MONDAY AT 6:00 PM EXCEPT WHEN A HOLIDAY FALLS ON A BOARD MEETING MONDAY, THE MEETING IS RESCHEDULED FOR THE TUESDAY AFTER THAT HOLIDAY.

Administration and Finance Committee – First and Third Monday @ 5:45 PM prior to a regularly scheduled Board Meeting.

Planning and Economic Development Comm.- First Monday of each month at 5:30 PM

Public Improvements and Safety Comm. - Third Monday of each month at 5:30 PM

Planning and Zoning Commission – Fourth Monday of each month at 6:00 PM

These minutes are not official unless signed and sealed by the Village Clerk.

34. Ord. 19-18/4 Parcels
2nd Reading/Pass

35. Public Comment

36. Closed Session

37. Adjourn